

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0081

STATE OF MONTANA,

Plaintiff and Appellee,

v.

KENTON RICHARD WEIMER,

Defendant and Appellant.

FILED

JUL 09 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME AND
AFFIDAVIT IN SUPPORT**

The Appellee, State of Montana, respectfully requests an extension of time until August 20, 2010, in which to prepare, serve, and file its response brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 9th day of July, 2010.

STEVE BULLOCK
Montana Attorney General
P.O. Box 201401
215 North Sanders
Helena, MT 59620-1401

By: Marcell Ployhar
MARDELL PLOYHAR
Assistant Attorney General

STATE OF MONTANA)
 : ss.
County of Lewis and Clark)

I, Mardell Ployhar, being first duly sworn upon my oath, depose and state as follows:

1. I am an Assistant Attorney General for the State of Montana and have been assigned to prepare the State's response brief in the above-entitled matter.

2. The State's brief was first due on June 21, 2010. The brief is presently due on July 21, 2010. The State has made one previous request for extension.

3. I am unable to meet the present deadline for filing the State's brief and am requesting an extension of time to August 20, 2010. During the past 30 days, I have drafted the State's briefs in the following cases now pending before this Court: State v. Weisweaver, Case No. DA 10-0085, and State v. Molenda, Case No. DA 10-0188. In addition, I have been working with the defense counsel and prosecutor in this case in an effort to resolve this case through a stipulation of the parties. I am hopeful that a final agreement will be reached to resolve this case, but I do not believe I will be able to finalize an agreement before the July 21, 2010 deadline because I will be on vacation from July 12-20, 2010.

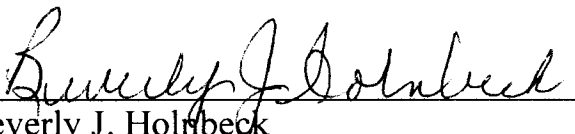
4. I will work diligently in an effort to complete this matter in the time requested.

5. Opposing counsel has been contacted concerning this motion and does not object to the extension.

6. Further your affiant sayeth naught.


MARDELL PLOYHAR

SUBSCRIBED AND SWORN to before me this 9th day of July, 2010.


Beverly J. Holmbeck
Notary Public for the State of Montana
Residing at Helena, Montana
My commission expires April 26, 2011

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing

Motion for Extension of Time to be mailed to:

Mr. William F. Hooks
Attorney at Law
P.O. Box 1582
Helena, MT 59624

DATED: 7/9/10 Madell P. Poyhan